IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO :9123 of 1998

Dated: 20.02.2007

Between:
V.Masthan, S/o V.Ramaiah, 48 years,
Business, R/o Obularasi Kandriga,
Satyavedu Mandal, Chittoor District.

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PETITIONER

AND

1. The Divisional Forest Officer-cum-
   Authorised officer, Chittoor East Division,
   Chittoor.
2. Forest Range Officer, Flying Squad, Tirupathi
   Division, Chittoor.
3. The District Judge, Chittoor. ..RESPONDENTS

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THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.9123 of 1998

ORDER:

This writ petition is filed seeking quashing of the order in C.M.A.No.18 of 1995 on the file of the District Judge, Chittoor, which confirmed the order in R.C.No.369/78/04 FSPOR.90/77-78 dated 04.05.1994 of the Divisional Forest Officer-cum-Authorised Officer, Chittoor, East Divisional and consequently sought a direction to the respondents to release the lorry bearing No. APN 7618 to the petitioner on payment of market value.

The case of the petitioner is that he is the owner of the lorry bearing No. APN 7618. It is alleged that on 4/5.1.1978 near Guthivaripalli the 2nd respondent stopped the lorry and found 99 red-sandal logs weighing 4380 K.Gs. in the lorry without permit. As the driver of the vehicle could not give proper explanation, the 2nd respondent seized the lorry and the red-sandal logs. It is stated that after conducting enquiry, the 1st respondent-Divisional Forest Officer confiscated the lorry to the State by order dated 14.11.1978. Aggrieved by the same, the petitioner preferred an appeal along with a petition before the Sessions Judge, Chittoor and got released the lorry. Later the I Additional District and Sessions Judge, Chittoor by order dated 13.3.1993 in A.S.No.81 of 1987 allowed the appeal setting aside the order of confiscation and remanded the matter to the 1st respondent-Divisional Forest Officer with a direction to dispose of the same in accordance with

law. After remand, the 1st respondent-Divisional Forest Officer found that the lorry was used in commission of forest offence with the knowledge and connivance of the petitioner and accordingly passed an order dated 4.5.1994 confiscating the lorry and red-sandal logs. Aggrieved by the said order, the petitioner preferred an appeal being C.M.A.No.18 of 1995 on the file of the District Judge, Chittoor and the same was dismissed on 14.2.1997. Hence the writ petition.

A detailed counter-affidavit has been filed on behalf of the respondents.

Heard both sides.

Originally an appeal being A.S.No.81 of 1987 has been filed by the petitioner against the orders of the 1st respondent-Divisional Forest Officer and the 1st Additional District and Sessions Judge, Chittoor by order dated 13.3.1993 allowed the said appeal and remanded the matter to the 1st respondent-Divisional Forest Officer on the ground that no opportunity was given to the petitioner to establish his innocence. After remand also the petitioner failed to adduce or let in any evidence establishing the fact he has no knowledge about the forest offence and the vehicle cannot be seized or confiscated. Therefore, the 1st respondent-Divisional Forest Officer finally ordered confiscation of the lorry and the red-sandal logs by order dated 4.5.1994 and the same was confirmed by the District Judge, Chittoor by order dated 14.2.1997. Therefore, this Court is of the view that the orders of the 1st respondent-Divisional Forest Officer and the 3rd respondent-District Judge are perfectly justified and no interference is called for. I find no merit in this writ petition. However, as the lorry was released on condition of the petitioner

depositing the value of the vehicle as assessed by the 1st respondent, the said amount shall be confiscated to the State.

The writ petition is accordingly dismissed. No costs.

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(GOPALA KRISHNA TAMADA, J)

20-02-2007
Gsn.